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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,613	02/25/2002	Jordi Parramon	AB-174U	4464
23845	7590	08/19/2005		
ADVANCED BIONICS CORPORATION 25129 RYE CANYON ROAD VALENCIA, CA 91355				
			EXAMINER DEBERADINIS, ROBERT L	
			ART UNIT 2836	PAPER NUMBER

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,613

Applicant(s)

PARRAMON ET AL.

Examiner

Robert DeBeradinis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,10,11,14,15 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,10,11,14 and 21 is/are rejected.
- 7) ☒ Claim(s) 15,22-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The reply filed 6/25/05 consists of remarks related to rejection of claims.

Response to Arguments

Applicant's arguments, see page 6, filed 6/25/05, with respect to the rejection(s) of claim(s) under HERBERT have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of McINTYRE.

Applicant argues HERBERT does not disclose or suggest disconnectably connecting a multiplicity of switched capacitors in parallel between the node Vs and ground and disconnectably connecting the switched capacitors in series between ground and a node Vout.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10, 11, 14, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over HERBERT 6,121,761 in view of McINTYRE 2002/0109415.
Regarding claims 1, 3, 7, 8, 10, 11, 21.

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HERBERT teaches a power supply comprising a power source (v) providing a source of voltage; means for processing the source voltage to generate an output voltage at a Vout node, wherein the output voltage varies from the source voltage.

HERBERT does not disclose a multiplicity of energy storage devices adapted to individually controllably receive energy from the Vout node; wherein the means for processing comprises a switched capacitor circuit comprising a multiplicity of switched capacitors, wherein the multiplicity of switched capacitors are disconnectably connectable in-parallel, wherein the in-parallel multiplicity of switched capacitors are chargeable from the power source, and the multiplicity of switched capacitors are disconnectably connectable in-series.

McINTYRE discloses a switched capacitor array circuit wherein the switched capacitor circuitry is used to convert a DC input voltage to one or more DC output voltages which may differ in magnitude and polarity from the input voltage (paragraph 004).

It would have been obvious, to one having ordinary skill in the art at the time of this invention, to modify the power supply capacitor arrangement disclosed by HERBERT wherein the capacitor arrangement would be replaced by the switched capacitor arrangement taught by McINTYRE thus providing the multiplicity capacitor arrangement claimed by the Applicant. The motivation to modify the power supply would be to provide more output voltage steps.

Regarding claim 2.

HERBERT in view of McINTYRE disclose the power supply of claim 1.

McINTYRE teaches wherein the energy storage devices comprise a multiplicity of small capacitors. The capacitor array circuit would obviously have small capacitors due to the physical size of the array circuit.

Regarding claim 4.

HERBERT in view of McINTYRE disclose the power supply of claim 1.

HERBERT discloses diode (Cr) and node Vh (figure 12).

Regarding claims 5, 14.

HERBERT in view of McINTYRE discloses the power supply of claim 1 having a source V (HERBERT, figure 12).

HERBERT in view of McINTYRE does not disclose wherein the power source comprises a battery. A battery is an obvious DC source.

Regarding claim 6.

HERBERT discloses wherein the means for processing comprises a switching regulator comprising: an inductor; and a first switch; wherein the inductor is electrically connected between the source voltage and the Vout node, and wherein the first switch is electrically connected between the Vout node and ground (figure 12).

Allowable Subject Matter

Claims 15, 22-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach or suggest a multiplicity of Vc nodes and a multiplicity of switches each electrically connected between a Vc node and a multiplicity of stimulation channels.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Robert L. DeBeradinis whose number is (571) 272-2049. The Examiner can normally be reached Monday-Friday from 8:30 am to 5:00 pm.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Brian Sircus, can be reached on (571) 272-2058. The Fax phone number for this Group is (703) 872-9306.

RLD

AUGUST 11, 2005

A handwritten signature in black ink, appearing to read 'Robert L. Debernadis', written in a cursive style.

ROBERT L. DEBERNADIS
PRIMARY EXAMINER